

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**JEFFREY MARCUS,**

**Plaintiff,**

**v.**

**BMW OF NORTH AMERICA, LLC,  
ET AL.,**

**Defendants.**

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**Civil Action No. 08-5859 (KSH)**

**ORDER**

This matter having come before the Court by way of parties' motions to seal certain materials submitted in connection with the plaintiff's motion for class certification;

and the Court having considered the submission, the documents or portions thereof that the parties seek to seal, L. Civ. R. 5.3, and the governing case law;

and for the reasons set forth in the Opinion delivered on the record on June 22, 2010;

IT IS THEREFORE ON THIS 22nd day of June, 2010

ORDERED that the motions to seal [Docket Nos. 154, 158, 161, and 164] are granted in part and denied in part as follows

1. The following items from the deposition of William Pettit, which is attached as Exhibit 9 to the Declaration of Orin Kurtz, may be sealed:

- a. Page 31, Line 17, from the word "is" to the end of the sentence;
- b. Page 33, Line 2, from the word "than" to the end of the sentence;
- c. Page 33, Lines 12-13, the numbers only; and
- d. Page 33, Line 19, the number only;

2. The following item from the deposition of Brian Quieser, which is attached as Exhibit 13 to the Declaration of Orin Kurtz, may be sealed:

a. Page 13, Line 19, the number only;

3. The document attached as Exhibit 29 of the Declaration of Orin Kurtz may be sealed in its entirety;

4. The following portions of the brief in support of the motion for class certification may be sealed:

a. Page 11, only the numbers in the sentence that begins with the word “Documents” and ends with the word “claims”;

b. Page 17, only the numbers in the sentence that begins with the word “Nation” and ends with the word “claims”;

IT IS FURTHER ORDERED that nothing herein constitutes a ruling that the information, described above, would be sealed if presented in connection with any other request for non-discovery relief or at trial;

IT IS FURTHER ORDERED that the request to seal is otherwise denied;

IT IS FURTHER ORDERED that the personal identifying information for the plaintiff (specifically, address, telephone number, credit card/payment information, date of birth, social security number, VIN, license plate, and the like) contained on the documents attached as Exhibits 5, 6, 35, and 36 to the Declaration of Orin Kurtz may be redacted; and

IT IS FURTHER ORDERED that the plaintiff shall file its motion and supporting documents on the public docket consistent with the above and file under seal only the documents or portions thereof as set forth in this Order.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**